

ASSEMBLY BILL

No. 823

Introduced by Assembly Member Sharon Runner

February 18, 2005

An act to amend Sections 456, 457, and 458 of the Military and Veterans Code, relating to military and veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 823, as introduced, Sharon Runner. Military court martial.

The Military and Veterans Code provides that general, special, and summary courts martial have the power to try and adjudge specified members of the military. The authority to adjudge includes specified types of punishment.

This bill would provide that those courts have the power to adjudge any punishment authorized for a court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, as provided. This bill would include within the powers of special courts-martial the power to try commissioned officers, and within the powers of summary courts-martial the power to try enlisted members of the unorganized militia unless they object.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 456 of the Military and Veterans Code is amended to read:

456. General courts-martial have power:

(a) To try:

(1) Commissioned officers, warrant officers, and enlisted ~~men~~ and ~~women~~ *members* of the National Guard.

(2) Commissioned officers, warrant officers, and enlisted ~~men~~ and ~~women~~ *members* of the unorganized militia whenever they are called out for service of the state.

(b) To adjudge:

(1) Dismissal, in the case of a commissioned or warrant officer.

(2) Dishonorable discharge, in the case of an enlisted ~~man or woman~~ *member*.

(3) ~~Bad-conduct discharge, in the case of an enlisted man or woman.~~

(4) ~~Reduction to the ranks, in the case of enlisted men and women of the fourth enlisted pay grade or below. Reduction to next inferior grade in the case of enlisted men and women above the fourth enlisted pay grade.~~

(5) ~~Forfeiture of pay and allowances.~~

(6) ~~Fine not exceeding two hundred dollars (\$200).~~

(7) ~~Confinement not exceeding 200 days.~~

(8) ~~Fine and confinement, the total of the number of dollars of fine and number of days of confinement not to exceed 200.~~

(9) ~~Reprimand. Any other punishment authorized for a special court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, including, but not limited to, up to one year in confinement.~~

SEC. 2. Section 457 of the Military and Veterans Code is amended to read:

457. Special courts-martial have power:

(a) To try:

(1) ~~Warrant~~ *Commissioned officers, warrant officers, and* enlisted members of the National Guard.

1 (2) ~~Warrant~~ *Commissioned officers, warrant officers, and*
2 *enlisted members of the unorganized militia whenever they are*
3 *called out for service with the state.*

4 (b) To adjudge:

5 (1) ~~In the case of a one-officer special court-martial:~~

6 (A) ~~Fine not exceeding one hundred dollars (\$100) for a single~~
7 ~~offense or not exceeding one hundred eighty dollars (\$180) for~~
8 ~~two or more offenses.~~

9 (B) ~~Confinement not exceeding 100 days for a single offense~~
10 ~~or not exceeding six months for two or more offenses.~~

11 (C) ~~Fine and confinement, the total of the number of dollars of~~
12 ~~fine and the number of days of confinement not to exceed 180.~~

13 (D) ~~Reduction to the ranks in the case of enlisted personnel of~~
14 ~~the fourth enlisted pay grade or below. Reduction to next inferior~~
15 ~~grade in the case of enlisted personnel above the fourth enlisted~~
16 ~~pay grade.~~

17 (E) ~~Forfeiture of pay and allowances.~~

18 (F) ~~Reprimand.~~

19 (2) ~~In the case of a special court-martial composed of three or~~
20 ~~more members, one of which is a military judge, the same~~
21 ~~punishments as provided in paragraph (1) of this subdivision in~~
22 ~~addition to either or both of the following:~~

23 (A) ~~Dismissal, in the case of a warrant officer.~~

24 (B) ~~Bad-conduct discharge, in the case of an enlisted member.~~

25 *Any punishment authorized for a special court-martial*
26 *handling analogous charges under the Uniform Code of Military*
27 *Justice and the federal Manual for Courts-Martial, but in no case*
28 *more than 180 days in confinement.*

29 SEC. 3. Section 458 of the Military and Veterans Code is
30 amended to read:

31 458. Summary courts-martial have power:

32 (a) To try ~~enlisted~~ :

33 (1) *Enlisted members of the National Guard unless they object*
34 *thereto.*

35 (2) *Enlisted members of the unorganized militia whenever they*
36 *are called out for service of the state, unless they object thereto.*

37 (b) To adjudge:

38 (1) ~~Reduction to the ranks in the case of enlisted personnel of~~
39 ~~the fourth enlisted pay grade or below. Reduction to next inferior~~

1 ~~grade in the case of enlisted personnel above the fourth enlisted~~
2 ~~pay grade.~~

3 ~~(2) Forfeiture of pay and allowances.~~

4 ~~(3) Fine not exceeding twenty-five dollars (\$25).~~

5 ~~(4) Confinement not exceeding 25 days for a single offense or~~
6 ~~not exceeding 30 days for two or more offenses.~~

7 ~~(5) Fine and confinement, the total of the number of dollars of~~
8 ~~fine and number of days of confinement not to exceed 30.~~

9 *Any punishment authorized for a special court-martial*
10 *handling analogous charges under the Uniform Code of Military*
11 *Justice and the federal Manual for Courts-Martial, including, but*
12 *not limited to, up to 30 days in confinement.*

13 SEC. 4. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the
18 penalty for a crime or infraction, within the meaning of Section
19 17556 of the Government Code, or changes the definition of a
20 crime within the meaning of Section 6 of Article XIII B of the
21 California Constitution.